AMENDMENTS TO THE DRAWINGS:

Applicant submits concurrently herewith six (6) sheets of drawings illustrating proposed changes to Figs. 1-14 in red ink, accompanied by six (6) sheets of formal replacement drawings incorporating such amendments.

Attachments: Replacement Sheets: 6
Annotated Sheets Showing Changes: 6

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REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

The Examiner has "lined through" the Chen, *et al.* publication included in the Information Disclosure Statement (IDS) submitted May 25, 2006. The only reason given for such action is that the document cited was allegedly "not identified by publication date including at least month and year". However, it will be observed that the publication was identified by publication date (1997). 37 C.F.R. §1.98(b)(5) does not require any month to be included in the required "date". That is especially the case where, as here, the date that was included (1997) is clearly early enough to constitute prior art with respect to the present application (which, at the earliest, claims British priority of December 31, 2002). That is, there is an approximately five-year prior publication date already listed in the Form PTO/SB/08a filed May 25, 2006. Under such circumstances, such is clearly a publication "date" that the Examiner can use for at least a *prima facie* establishment of prior art status. Furthermore, the document that was submitted includes a copy of the abstract conference paper dated 12-13 February 1997.

37 C.F.R. §§1.97 and/or 1.98 do not require that the submitted listing of documents include a publication date that goes beyond what was submitted. Under the explicit provisions of 37 C.F.R. §1.97(b), an information disclosure statement shall be considered if it is in compliance with 37 C.F.R. §1.98. The earlier submitted IDS is in full compliance with 37 C.F.R. §1.98 and, therefore, the Chen reference should have been considered.

Since the record supplied by the applicant with the earlier submitted IDS self-evidently points out that the year of publication is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the particular month of publication is not an issue, it is respectfully submitted that the Chen reference should be considered

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without requiring applicant to file any additional IDS, pay any additional IDS fees, or the like. A supplemental Form PTO/SB/08a is attached for the Examiner's convenience which includes the month (February) as well as the year (1997) of publication of the Chen reference. Official consideration and citation are respectfully requested.

Although under the circumstances described above, it is not believed that any additional fee or certification should be required, if an IDS fee for this stage of prosecution is deemed necessary, then authority is hereby given to charge such fee to our **Deposit Account No. 14-1140**.

In response to the formality-based drawing objection, a full replacement set of drawings is attached now including in Fig. 1 an explicit showing of the cellular mobile phone 5 and its viewing screen 6.

As requested by the Examiner, the above amendment to the specification also takes extra steps to respect the legitimate trademarks of other parties that happen to be used in the specification.

The rejection of claims 1-9 under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter is respectfully traversed.

Even as originally presented, claims 1-9 are properly construed under MPEP §2111 (e.g., through the eyes of those having skill in the art and in light of the specification) as being machine-implemented methods. It is literally impossible for a human to manually carry out the recited method.

In any event, claims 1-9 have been amended above so as to "tie" the recited method to one that is effected using a server computer (i.e., a "machine" under 35 U.S.C. §101). Furthermore, as those in the art will appreciate, it is impossible to carry out such machine-implemented method without also transforming underlying subject matter to a different state. Indeed, computers were earlier known as "state machines"

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precisely because, at each clock cycle, numerous physical things (i.e., "subject matter") necessarily transition between different states (e.g., different states of magnetization, different states of current flow within bi-stable circuits, registers, arithmetic logic units, etc.).

Accordingly, for at least these reasons, claims 1-9 are directed to statutory subject matter under 35 U.S.C. §101.

The rejection of claims 1-9 and 14-21 under 35 U.S.C. §102 as allegedly anticipated by Smith '029 is respectfully traversed.

The claimed invention is concerned with streaming a sequence of video frames from a server to a viewer client. As set out in independent claim 1, the server compresses video frames having a resolution of m by n pixels to create derived frames of p by q pixels and transmits the derived frames to the viewer client. While subsequent derived frames are being transmitted to the viewer client, if the server receives a signal from the viewer client defining a preferred selected viewing area of less than m by n pixels, and defining a preferred location within the m by n pixel frame of the preferred selected viewing area, then the server compresses subsequent frames in the sequence of m by n frames into a new series of further derived frames of p by q pixels and transmits this further derived sequence to the client.

Smith does not disclose transmission of streaming video data from a server to a client. Smith only discloses manipulation of single images and nothing in the document suggests its application to streaming video frames. In Smith, the original image is first cropped and then resized for transmission to the client. When the client performs a zoom operation, the zoomed-in image of the same image is provided.

By contrast, in the claimed invention, once the server receives signals defining a preferred selected viewing area, the server compresses subsequent frames in the

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sequence of frames according to the preferred viewing area and sends those subsequent frames. It does not send the same frame that was previously transmitted to the client device before reception of the signals defining the preferred selected viewing area.

The Examiner cites Smith at paragraph [0019] in asserting that processing additional pictures as thumbnail images is the same as the applicant's claimed step of differently compressing further frames. However, the person skilled in the art reading this document would consider it in the context of surrounding paragraphs [0018], [0020] and [0021].

Smith's paragraph [0019] states

> "Referring now to Figure 5, a 'thumbnail image' method is described. A thumbnail viewing application is a specific application of the above system. In this example, the display has been segmented into four regions 51, 53, 55, 57, each containing an 80 pixel square grayscale image (one of which 57 is the baby gorilla and its mother used in the previous example). The user has two choices: either select one of the images 51, 53, 55, 57 to view at a larger magnification; or to scroll up or down to another set of thumbnail images. Predictive image provisioning occurs while in the thumbnail view based upon a model of user behavior."

Smith's paragraphs [0018] to [0021] relate to predictive caching of image data and, as mentioned on the second sentence of paragraph [0019], this paragraph describes a specific application of the predictive caching concept described in paragraph [0018]. Thumbnails are displayed and the user can select one of the thumbnails for further viewing. As described in the second half of paragraph [0020], the server presends the larger images of the presented thumbnails to the client device. When the user selects one of the pre-cached images, it is displayed immediately and loaded from memory.

Smith's paragraph [0020] makes it very clear that no signals are sent to the server in displaying the larger image of the thumbnail – and that all processing occurs locally on the <u>client</u> device (i.e., not at the server).
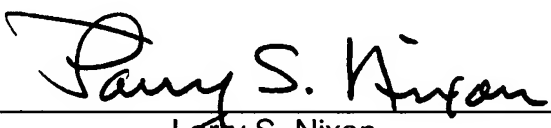
Given such fundamental deficiencies as already noted with respect to independent claim 1, it is not necessary at this time to detail additional deficiencies of Smith with respect to other aspects of the rejected claims. Suffice it to note that, as a matter of law, it is impossible to support even a *prima facie* case of anticipation unless the cited single document teaches each and every feature of the rejected claims.

The rejection of claims 10-13 as allegedly being made "obvious" based on Smith in view of Suso EP '405 has been mooted by the above cancellation of these claims so as to expedite prosecution and allowance.

Accordingly, this entire application is now believed to be in allowable condition, and a formal notice to that effect is earnestly solicited.

Respectfully submitted,

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